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April 13, 2020

VIA E.C.F.

Honorable Analisa Torres  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

RE: Alexis Arroyo v. City of New York, et al.,  
19 Civ. 9436 (AT) (SDNY)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent the defendants in the above-referenced matter. The parties submit this joint application and respectfully request that the Court adjourn the initial conference presently scheduled for April 30, 2020, at 10:40 a.m., to July 29, 2020, or a date and time that is convenient for the Court. (See E.C.F. No. 16.)

As the Court is aware, the country is currently grappling with the COVID-19, or coronavirus, pandemic. On March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing pandemic situation. On March 13, 2020, Mayor Bill de Blasio followed suit, and declared New York City to be in a state of emergency as well. That same day, the United States District Court for the Southern District of New York ("Southern District") issued Standing Order 20 MISC 154, which encouraged individual judges to conduct court proceedings by phone and video conferencing where practicable. Also, on March 13, 2020, the Southern District issued Standing Order 20 MISC 0153, which suspended and tolled service of process requirements and deadlines in *pro se* matters. On March 16, 2020, the Southern District issued a Revised Standing Order further limiting access to courthouses. On March 20, 2020, Governor Andrew Cuomo, issued Executive

Order No. 202.8, tolling the statute of limitations until April 19, 2020 and prohibiting all non-essential employees to going into the workplace.

In light of pronouncements from government and judicial officials, associated policies, expert recommendations, and the further spread of COVID-19, the New York City Law Department, along with the majority of employers in New York City and State, has advised that individuals should work from home as much as is practicable to ensure compliance with public policy directives, and to protect individuals from further community spread of the virus.

Of course, working from home creates a number of challenges that directly impact litigation, including, *inter alia*, our ability to review case files that are in the office and contain documents that may not be available in electronic form, as well as our office's ability to procure new documents and meet with clients.

With respect to the April 30<sup>th</sup> conference, Defendants add that this case was filed pursuant to Local Civil Rule 83.10 since the claims pertain to police action. (See E.C.F. No. 1.) As such, this case is required to go through the mediation process described in said rule. Given the current uncertainty revolving around the normalization of business operations, the parties and the mediator agreed to reschedule the mediation from April 20, 2020, to June 19, 2020. Accordingly, the parties add that adjourning the April 30<sup>th</sup> conference to July 29, 2020, would allow the parties to comply with the mediation requirement and provide an extra amount of time should further mediation discussions prove worthwhile.

Accordingly, Defendants respectfully request that the Court grant a 90-day adjournment of the April 30<sup>th</sup> conference to July 29, 2020, or a date and time that is convenient for the Court.

Respectfully submitted,

*Jorge Marquez* /S/

Jorge M. Marquez

Senior Counsel

Special Federal Litigation Division

cc: VIA E.C.F.  
All Counsel of Record

GRANTED in part, DENIED in part. The initial pretrial conference scheduled for April 30, 2020 is ADJOURNED to **July 2, 2020, at 10:40 a.m.** By **June 25, 2020**, the parties shall submit their joint letter and proposed case management plan.

SO ORDERED.

Dated: April 13, 2020  
New York, New York



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ANALISA TORRES  
United States District Judge